

SPARKS

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Oscar Rodriguez

Defendants

Case No.

A 12-m-206

FILED

2012 MAR 22 AM 11:42

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXASBY KW

DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of December 2, 2009 in the County of Travis in the Western District of Texas, the defendants violated Title 42 U.S.C. 408(a)(7)(B),
an offense described as follows:

Social Security fraud

This criminal complaint is based on these facts:

see attached affidavit.

X Continued on the attached sheet.



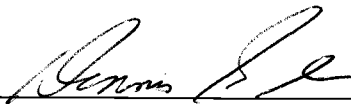
Complainant's signature

Damian Reyes, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 22, 2012



Judge's signature

City and state: Austin, TX

DENNIS GREEN, U.S. Magistrate Judge

Printed name and title

Maximum Penalties:
10 years
imprisonment;
\$250,000 fine or both
such fine and term of
imprisonment;

Affidavit


I, Damian Reyes, being duly sworn, hereby depose and say:

1. Affiant, Special Agent Damian Reyes, has been employed by the Social Security Administration, Office of the Inspector General (SSA/OIG) since June 2004. Affiant is currently assigned to the SSA/OIG Field Office in San Antonio, Texas. Affiant's current duties include investigating allegations of fraud within the programs administered by the Social Security Administration, to include the misuse of Social Security Numbers for fraudulent purposes. Affiant has attended training in the areas of social security fraud, mail fraud, money laundering and various types of identity takeover schemes. Affiant has investigated numerous cases involving these types of offenses, commonly referred to as "white collar" crimes. Affiant is authorized to obtain and execute Federal Arrest and Search Warrants. The information set forth in this Affidavit is based upon your Affiant's personal knowledge and/or information provided to Affiant by other law enforcement agents and officers, witnesses, and cooperating individuals the undersigned believes to be reliable and credible.
2. On March 15, 2012, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) Special Agent (SA) Tim McElligott advised the SSA/OIG that an individual identified as Oscar E. Rodriguez (hereafter referred to as RODRIGUEZ) established a business account with Wells Fargo Bank by misusing the Social Security Number (SSN) officially assigned to Susan Lynn Richardson (hereafter referred to as VICTIM).
3. In January 2010, while conducting an investigation, Department of Public Safety (DPS), Criminal Investigation Division (CID) Agent Jesse Flores encountered an individual who identified himself as Oscar, working at Joker's Collectibles and Comics located at 105 Moore Lane, Cedar Park, TX. During their encounter, Oscar appearing to be an employee of Joker's Collectibles and Comics, recommended to Agent Flores comic books and also provided him with a flyer listing Oscar's name and the business name of Joker's Collectibles and Comics. Upon exiting Joker's Collectibles and Comics, Agent Flores conducted vehicle registration queries on a vehicle parked outside the business establishment, which revealed that a 2002 Chevy Corvette was registered to an Oscar Rodriguez, residing at 105 Moore Lane, Cedar Park, TX 78613, the same address of Joker's Collectibles and Comics.
4. On March 9, 2012, I researched the Texas Comptrollers website and discovered that an individual identifying himself as Oscar RODRIGUEZ, applied for a business permit pertaining to Joker's Collectibles and Comics on January 7, 2008, in Austin, TX. On the permit application, RODRIGUEZ listed an address for Joker's Collectibles and Comics

as 2409 Princeton Dr., Austin, TX 78741 and a date of birth of August 5, 1985.

Subsequent investigation revealed the name Oscar RODRIGUEZ with this same date of birth was used to open a business account at Wells Fargo Bank for Joker's Collectibles and Comics.

5. On March 20, 2012, I reviewed Wells Fargo Bank records for business account number 2450708868 established for Joker's Collectibles and Comics by an individual identifying himself as Oscar RODRIGUEZ on December 2, 2009. At the time of application, RODRIGUEZ listed his name as Oscar E. Razo RODRIGUEZ; a date of birth of August 5, 1985; and further listed a Social Security number of XXX-XX-3428 as his tax identification number (TIN) on the business account application. As proof of identification, RODRIGUEZ provided an unidentified form of foreign identification bearing number 3086847 and further provided his address as 105 Moore Lane, Cedar Park, TX 78613. The Wells Fargo business account application was signed and dated by an individual identifying himself as RODRIGUEZ on December 2, 2009.
6. Affiant reviewed the SSA records relating to the SSN involved with this case, XXX-XX-3428, which revealed the SSN was assigned to the VICTIM in 1966 based on her birth in Denver, CO. On March 20, 2012, I interviewed the VICTIM and she informed me that does not know RODRIGUEZ and never authorized RODRIGUEZ or anyone to use her SSN for any purpose to include opening a bank account.
7. Based on the totality of the foregoing facts and circumstances, Affiant believes that evidence of a violation of Title 42, United States Code, Section 408(a)(7)(B) exists and that there is probable cause for the issuance of an arrest warrant for the SUBJECT, a.k.a. Oscar RODRIGUEZ.


Special Agent Damian Reyes
SSA/DIG

*Sworn to and Subscribed
before me this the 22nd day of March
Dennis J. [Signature]
U.S. Magistrate Judge*